notorious. The period for perfecting a right by adverse user had passed twice over from 1899 to 1914 when the first interruption occurred. Some of defendant's evidence tends also to show the flow to be near 1 C.F.S. Witness Hart, water commissioner in 1906, measured the stream flowing in the ditch at .98 C.F.S. which he did not shut off although it was flowing onto the land. Another period from 1914 to 1923 exists when there was no showing of interference by defendants with the flow of water at the rate of 1 C.F.S., which plaintiff's witnesses established as flowing continuously during that time. Here again was a sufficient time for the adverse period to have run.

We conclude that there is ample evidence from which the court could find as it did that a right had been perfected by adverse user.

It is contended that there is no evidence to show the amount of water used by the plaintiff and his predecessors in interest on this land other than water under the McCarty Decree and Strawberry Reservoir water. The amount was sufficiently established to be 1 C.F.S. or more by all the witnesses for plaintiff, and McCarty decreed water and Strawberry Reservoir water were used only infrequently on this land according to the testimony, and then only to increase the flow so as to irrigate remote and hilly parts of the land. Much of the evidence dealt with periods before Strawberry Reservoir water was used.

It is also contended that plaintiff has failed to show a beneficial use of 1 C.F.S. on the 19 acres of land in addition to the McCarty decreed water and Strawberry Reservoir water. We have indicated that little McCarty decreed water and little Strawberry Reservoir water was used on the land, and these rights held by Jackson and his predecessors in interest were used on other lands, and that the use of the 1 c.f.s. antedated the Strawberry Project. McCarty decreed water after the run-off season amounted to very little water to the predecessors in interest of the plaintiff or to the plaintiff. The McCarty decreed water which went to the canyon people was 2% of the stream when the flow was above 253.5 c.f.s. and 1% after it got below 253.5 c.f.s., and until it receded to 118.4 c.f.s. after which all secondary and tertiary rights ceased to exist. As indicated by a witness for the defendants, the present water master, all the rights of the canyon people combined amounted to very little water after the McCarty Decree took effect each year.

Dr. Farnsworth, Associate Professor of Agronomy, at the Brigham Young University, testified as an expert witness, and indicated that the soil on the 19 acres was generally sandy and porous and would not hold water as well as other types of soil; that some parts of it needed irrigation every four days, and that it would need irrigation every six days on an average. He stated as his opinion that 1 c.f.s. of water, continuous flow, could be put to a beneficial use on this land. In addition, there must also be considered the culinary uses and the stock watering uses. If plaintiff's witnesses are to be believed, the land grew better than average crops with the water, and failed to produce crops without the water. While the usual duty of water to land generally in this state is considerably lower than here claimed, the special circumstances as to soil type and use are such as to indicate a beneficial use of the 1 c.f.s. continuous flow.

Next it is contended that the trial court could not enter a judgment or decree amending the McCarty decree without having all parties before it. Such is not the case here however. The instant case is not one of amending the decree, but rather a determination that plaintiff has